IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2958 of 2004

Between:

M. Koti Reddy S/o M. Bala Koti Reddy
R/o 302, Seshadri Towers, MIG-371, KPHB Colony, Kukatpally,
Hyderabad-72

..... PETITIONER

AND

1 The Authorised Officer, Asst. General Manager, Corporation Bank, Jubilee Hills Branch, Opp Trinetra Super Market, Jubilee Hills, Hyderabad
2 The Chief Manager, Corporation Bank, Jubilee Hills Branch, Opp Trinetra Super Market, Jubilee Hills, Hyderabad
3 The District Magistrate-cum-District Collector, Ranga Reddy District , Hyderabad
4 The Govt of India, Ministry of Finance -Banking Division, rep. by its Secretary, Central Secretariat, New Delhi.

(R4 is impleaded as per Court Order Dt. 25-03-2004 in WPMP 4631 of 2004.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st & 2nd Respondents in invoking the provisions of Sec. 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and publishing the possession Notice thereunder as illegal, arbitrary, unconstitutional and against to the principles of natural justice.

Counsel for the Petitioner:MR.B.CHINNAPA REDDY

Counsel for the Respondent Nos.1&2: AMBADIPUDI SATYANNARAYANA

Counsel for the Respondent No.3: GP FOR REVENUE

Counsel for the Respondent NO.4: MR.A.RAJASEKHAR REDDY, SC FOR CENTRAL GOVERNMENT.

The Court made the following Oral Order:

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

DEVINDER GUPTA, CJ.

21st July, 2004 C.V.RAMULU, J.

Pnb/Jsu

To

1 The Authorised Officer, Asst. General Manager, Corporation Bank, Jubilee Hills Branch, Opp Trinetra Super Market, Jubilee Hills, Hyderabad.
2 The Chief Manager, Corporation Bank, Jubilee Hills Branch, Opp Trinetra Super Market, Jubilee Hills, Hyderabad
3 The District Magistrate-cum-District Collector, Ranga Reddy District , Hyderabad
4 The Secretary,Govt of India, Ministry of Finance -Banking Division, Central Secretariat, New Delhi.

5 2CCs to the G.P.for Revenue, High Court Buildings, Hyderabad(OUT)

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